

ITEM 9  
MANAGER'S REPORT NO. 78  
COUNCIL MEETING 85/12/16

RE: LETTER FROM MR. TERRY GILBERT, 4298 GRAVELEY STREET, BURNABY, B.C., V5C 3T8  
PROJECT NO. 85-022, 1985 LOCAL IMPROVEMENT PROGRAM

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Municipal Clerk be adopted.

\* \* \* \* \*

TO: MUNICIPAL MANAGER DATE: 1985 DECEMBER 11  
FROM: MUNICIPAL CLERK  
SUBJECT: PROJECT NO. 85-022  
1985 LOCAL IMPROVEMENT PROGRAM

RECOMMENDATION:

1. THAT a copy of this report be forwarded to Mr. Terry D. Gilbert, 4298 Graveley Street, Burnaby, B.C., V5C 3T8.

S U M M A R Y

Appearing on the Council agenda for this evening's meeting is a letter from Mr. Terry D. Gilbert, 4298 Graveley Street, requesting to appear as a delegation before Council regarding the initiation process in connection with the proposed local improvements to Graveley Street between Carleton Avenue and Willingdon Avenue. The purpose of this report is to provide Council with related background information and the reason for staff's determination that the petition of Mr. Gilbert was not sufficient.

The 1985 Local Improvement Program included, as Project No. 85-022, proposed improvements to Graveley Street between Carleton Avenue and Willingdon Avenue by constructing the existing road to a standard of 28 feet (8.5 m) with curbs on both sides and the installation of trees as required. The project involved 53 parcels of land abutting the proposed work. The 53 parcels of land, according to the last authenticated assessment roll are represented by 50 owners.

R E P O R T

Mr. Gilbert hand delivered a petition to the Clerk's Department on 1985 October 30, which was the final day of the petitioning period. As previously advised, time permitting, petitions are checked against the assessment roll as they are received in order to determine if an obvious problem may be resolved prior to the deadline for receipt of petitions. However, when a petition is received on the final day it negates any opportunity for staff or the petitioner to take any further action either to obtain additional signatures or clarify ownership. Mr. Gilbert's petition contained 24 signatures represented by 24 properties. Of the 24 signatures 12 were disqualified as they did not represent a majority of owners in conformance with the requirements of the Municipal Act. Therefore, the petition was deemed to contain 12 valid signatures and when added to four additional signatures, received on individual petitions, made up the total of 16 valid signatures as reported on the Certificate of Sufficiency.

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The section of the Municipal Act which pertains to this matter reads as follows:

"Determining Sufficiency of Petition

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Section 659.

- (5) Where two or more persons are owners of a parcel, they should be reckoned as one owner only, and not entitled to petition unless the majority of them concur, and accordingly the signatures of those persons, unless the petition is signed by a majority, shall be disregarded in determining the sufficiency of the petition."

A copy of that portion of the Certificate of Sufficiency pertaining to this project is attached (**Attachment #1**) along with a copy of the Notice of Intention sent to each owner (**Attachment #2**) with the applicable wording underlined.

C O N C L U S I O N

In conclusion I wish to make two points. Firstly, in some cases, one signature upon a petition representing a property with multiple owners may not be representative of the wishes of the majority of owners of that parcel. Secondly, the Municipal Clerk does not have discretionary powers with respect to determining the sufficiency of a petition and must disregard those signatures that are not in compliance with the requirements of the Municipal Act.



C.A. Turpin  
MUNICIPAL CLERK

c.c. Director Engineering

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PROJECT NUMBER	DESCRIPTION OF WORK	NO. OF OWNERS	MAJORITY REQUIRED TO DEFEAT PROJECT	NO. OF OBJECTIONS	TOTAL ASSESSED VALUE OF LAND	50% REQUIRED	TOTAL PETITIONERS' ASSESSMENT
85-021	Frances Street from Esmond Avenue to Ingleton Avenue	21	11	11	1,420,200.00	710,100.00	745,600.00
85-022	Gravelly Street from Carleton Avenue to Willingdon Avenue	50	26	16	4,023,500.00	2,011,750.00	1,162,550.00
85-023	Dent Avenue from Kitchen Street to Gravelly Street	24	13	2	1,708,800.00	854,400.00	142,400.00
85-024	Carnegie Street from Kensington Avenue to Brooklyn Avenue	19	10	NIL	1,229,650.00	614,825.00	NIL
85-025	Georgia Street from Springer Avenue to Howard Avenue	25	13	1	1,747,750.00	873,875.00	70,650.00
	8.5m pavement curbs both sides and trees as required						
	8.5m pavement curbs both sides and trees as required						
	8.5m pavement walks both sides storm sewers and trees as required						

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4949 Canada Way, Burnaby, B.C. V5G 1M2

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TELEPHONE 294-7290  
294-7291

**TAKE NOTICE THAT:**

The Council of the Corporation of the District of Burnaby proposes to construct as a Local Improvement on:

The total cost of the work is estimated at ..... \$

The owners share of the cost of the work is estimated at ..... \$

Annual charge per taxable front foot ..... \$

Number of years for which annual charge is imposed .....

Taxable front footage of your property ..... feet

Annual charge against your property ..... \$

Your charges may be paid in full on receipt of first tax bill following construction of the work by paying the sum of .....

**PETITIONS AGAINST THE PROPOSED WORKS**

1. Any person who is the owner of land abutting a proposed work may petition against such work and, unless within one month from the date a Notice of Intention is published, a majority of those owners (51%) representing at least one half of the assessed value of parcels liable to be specially charged so petition, Council may proceed with the work.
2. Petitions must be in writing, signed by the owner of land abutting the proposed work and, where the property is jointly owned, both owners must individually sign the petition. A petition must show the legal description or street address of the property. Petitions may be by individual letter or may be circulated and contain the names of several affected property owners.
3. Persons desiring to petition against the work must do so by lodging their petition with the undersigned within one month after the date of publication of a Notice of Intention covering this work in The Burnaby Now being 1985 September 30. Final date for the acceptance of petitions will be 1985 October 30. General Information on reverse side.

CHARLES A. TURPIN  
MUNICIPAL CLERK